

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
December 7, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on December 7, 2009 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, President
Brenda Hale, R.N.
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia Lane, R.N., B.S.N., M.B.A.
Patricia M. Selig, R.N., F.N.P., Ph.D.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Lisa D. Helton, C.N.A. 1401-118828
Ms. Helton appeared.

Anne Joseph, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Jennifer Challis, Senior Investigator, Department of Health Professions; Desiree Kurtz, C.N.A; and Liza Smith, R.N., Director of Nursing at Spring Arbor of Salisbury were present and testified.

CLOSED MEETING:

Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Helton. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:33 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried. Ms. Hale, Mr. Horn, Ms. Jones-Clarke, Ms. Lane, and Dr. Selig were in favor of the motion. Ms. Cooper opposed the motion.

ACTION: Dr. Selig moved that the Board of Nursing revoke the nurse aide certification of Lisa Helton with a finding of abuse.

The motion was seconded and carried. Ms. Hale, Mr. Horn, Ms. Jones-Clarke, Ms. Lane, and Dr. Selig were in favor of the motion. Ms. Cooper opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:35 P.M.

RECONVENTION: The Board reconvened at 1:10 P.M.

FORMAL HEARINGS: **Amanda M. Lemmond, C.N.A. 1401-122464**

Ms. Lemmond appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Janice Fleming, Senior Investigator, Department of Health Professions; and James Glenn, L.P.N., C.N.A. were present and testified.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lemmond. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:02 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting

requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Selig moved that the Board of Nursing issue an Order of reprimand to Amanda Lemmond, C.N.A.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel

FORMAL HEARINGS:

Yvonne Fernandez, R.N. 0001-211870

Ms. Fernandez appeared.

Wayne Halbleib, Assistant Attorney General and Mary Beth Shelton, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; Janet Cole, R.N.; Susan Harrison, R.N., Clinical Administrator, MCV-VCU Health System; Sheryl Farley, R.N., Nurse Manager, Acute Care Oncology, MCV-VCU Health System; and Martha Ann Spruill, Case Manager, Health Practitioners Monitoring Program were present and testified. Penelope Ziegler, M.D., Medical Director, Health Practitioners Monitoring Program testified by telephone.

CLOSED MEETING:

Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:18 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fernandez. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 6:43 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halbleib and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hale moved that the Board of Nursing indefinitely suspend the practical nursing license of Yvonne Fernandez for a period of not less than one year and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Mary M. Bowles, L.P.N. 0002-064888

Ms. Bowles did not appear.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Carole Crutchfield, Senior Investigator, Department of Health Professions; and Jennifer Sears-Cockram, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING:

Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bowles. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 6:10 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter.

The motion was seconded and carried unanimously.

ACTION:

Dr. Selig moved that the Board of Nursing indefinitely suspend the practical nursing license of Mary Bowles until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Myrtle Leah Stapleton, R.N. 0001-183264**

Ms. Stapleton did not appear.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:15 P.M. to consider the proposed consent order in the matter of Ms. Stapleton. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:20 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing accept the consent order for indefinite suspension of the professional nursing license of Myrtle Stapleton until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice, with said suspension to be stayed contingent upon proof of Ms. Stapleton's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Jenifer Flanagan-Parten, R.N. Multi-State Privilege (MS License R851078)**

Ms. Fanagan-Parten did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Allan McDonald, Senior Investigator, Department of Health Professions; and Vicki Jenkins, R.N., Charge Nurse, Family Birthing Center of Culpeper Regional Hospital were present and testified.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Flanagan-Parten. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Lee and

Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 6:48 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION:

Dr. Selig moved that the Board of Nursing indefinitely suspend the multi-state privilege to practice professional nursing in Virginia of Jenifer Flanagan-Parten.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 6:50 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director